

U.S. DISTRICT JUDGE RICHARD A. JONES

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

RACHEL GENARO-MEZA, )  
Plaintiff, ) CIVIL NO. 3:19-cv-05594-RAJ  
vs. )  
COMMISSIONER OF SOCIAL SECURITY, )  
Defendant )

This matter comes before the Court on the parties' stipulated motion for attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412

The motion is timely as Plaintiff had a 60-day appeal period, plus the 30-day period in §2412(d)(1)(B), from the entry of final judgment on December 19, 2019, to file a timely EAJA application. *Akopyan v. Barnhart*, 296 F.3d 852 (9<sup>th</sup> Cir. 2002); *Melkonyan v. Sullivan*, 501 U.S. 89, 94-96 (1991); FED. R. App. P. 4(a). Furthermore,

~~PROPOSED ORDER FOR EAJA FEES - 1~~

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1 upon review of the stipulation and the record, the Court determines that Plaintiff is the  
2 prevailing party, the government's position was not substantially justified, and that the  
3 itemization of attorney time spent is reasonable. In short, the requirements of §  
4 2412(d)(1)(B) are met.

5 Having thoroughly considered the parties' briefing and the relevant record, the  
6 Court hereby GRANTS the motion and awards Plaintiff \$3830.40 in attorney's fees,  
7 subject to any offset allowed under the Treasury Offset Program. *See. Astrue v. Ratiff*, 560  
8 U.S. 586, 589 – 590 (2010). Payment of EAJA fees shall be sent to Plaintiff's attorney:  
9 David Oliver & Associates, 2608 South 47th Street, Suite C, Tacoma, WA 98409. Pursuant  
10 to *Ratiff*, the award shall be payable to Plaintiff's attorneys, David Oliver & Associates, if  
11 the Commissioner confirms that Plaintiff owes no debt to the Government through the  
12 Federal Treasury Offset program.

14 For the foregoing reasons, Plaintiff's stipulated motion for attorney fees is  
15 GRANTED.

16 Dated this the 9th day of March, 2020.

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The Honorable Richard A. Jones  
United States District Judge